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OBLON, SPIVAK, MCCLELLAND, MAIER
& NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	DECISION ON
Guillaume LAFFONT, et al	
Application No.: 09/926,511	
PCT No.: PCT/IB01/01814	
Int. Filing Date: 02 October 2001	PETITION
Priority Date: 29 September 2000	
Attorney's Docket No.: 215653US2PCT	
For: REFRACTOMETER WITH BLAZED	
BRAGG GRATINGS	UNDER 37 CFR 1.181

This decision is in response to the "REQUEST TO CORRECT FILING DATE" filed on 17 August 2006, which is being treated as a petition under 37 CFR 1.181 requesting that the filing date of the above declaration was filed on 05 November 2002 so that the correct filing date is 05 November 2002.

BACKGROUND

On 13 November 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed Declaration or Oath was provided with the transmittal letter.

On 13 September 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months from the date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 17 August 2006 applicants submitted this petition indicating that the correct filing date of the application should be 05 November 2002 as evidenced by a copy of the USPTO date-stamped filing receipt.

DISCUSSION

Applicants' present the current petition and the postcard shows what was filed purportedly with the USPTO:

- (1) Combined Declaration, Petition & Power of Attorney,
- (2) Supplemental Application Data Sheet,
- (3) Copy of Notification of Missing Requirements.

The postcard lists the above items as submitted on 05 November 2002, and it indicates that, *inter alia*, a declaration was submitted to the U.S. Patent Office on such date.

MPEP 503 provides:

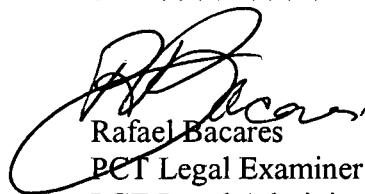
A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped by the PTO.

Applicant's postcard is accepted as *prima facie* that, *inter alia*, that the declaration was submitted to the U.S. Patent Office on 05 November 2002, and the correct filing date is 05 November 2002.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision that is, for issuance of a Notification of Acceptance of Application (Form PCT/DO/EO/903) identifying the 35 U.S.C. §371(c)(1), (c)(2,) and (c)(4) date as **05 November 2002**.



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